

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRISTEE THOMPSON STREETT,

Plaintiff,

v.

CIV 16-0189 MV/KBM

MANNY ORTIZ and JOHN CAMPBELL,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. The Honorable Martha Vazquez, who serves as presiding judge in this matter, previously “caution[ed] Ms. Streett that as a matter of fairness and in compliance with these rules, Ms. Streett should not attempt to obtain relief from this Court without appropriately informing the parties that she is attempting to sue.” *Doc. 13* at 4. She further “advise[d] Ms. Streett that she must serve the defendants in this case with process, which means she must send them copies of what she is submitting to the Court, or her case will have to be dismissed under the law.” *Id.* at 6. Moreover, Judge Vazquez expressly directed Ms. Streett to the available resources – federal and local rules of civil procedure – she would need to review “to determine how to proceed before this Court” if she continued to prosecute this case without the assistance of a lawyer. *Id.*

More than 2 months have passed since Judge Vazquez gave her admonition to Plaintiff, but the record reflects that a summons has yet to be issued although the

original Complaint was filed on March 15, 2016, *Doc. 1*, and an Amended Complaint filed April 5, 2016, *Doc. 7*. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

In her most recent filing entitled “Notice: Judicial Review, and Immediate Restoration of [my] Property,” Ms. Streett recites that she mailed copies of the Notice to Defendants John Campbell and Mannt (sic) Ortiz at the address of the Bernalillo County Treasurer and to a Scott Harenburg at the address of Realtec, Inc. But Ms. Streett offers no good cause for the failure to properly serve her Amended Complaint as required by the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 4(m).

Wherefore,

IT IS HEREBY ORDERED that, in order to avoid a recommendation to the presiding judge for dismissal of this action without prejudice, Plaintiff must either effect service or provide the Court with a written explanation showing good cause why service has not been made, on or before **Tuesday, November 1, 2016**.


UNITED STATES CHIEF MAGISTRATE JUDGE